

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID L. ORLECK

Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of Social  
Security,

Defendant.

:

:

:

Case No. 3:15-cv-279

JUDGE WALTER H. RICE

CHIEF MAGISTRATE JUDGE

SHARON L. OVINGTON

---

DECISION AND ENTRY ADOPTING IN THEIR ENTIRETY REPORT  
AND RECOMMENDATIONS OF UNITED STATES CHIEF MAGISTRATE  
JUDGE (DOC. #13); JUDGMENT TO BE ENTERED IN FAVOR OF  
PLAINTIFF AND AGAINST DEFENDANT CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF SOCIAL SECURITY, REVERSING  
COMMISSIONER'S DECISION THAT PLAINTIFF WAS NOT DISABLED  
AND, THEREFORE, NOT ENTITLED TO BENEFITS UNDER THE  
SOCIAL SECURITY ACT, AND REMANDING THE CAPTIONED CAUSE  
TO THE DEFENDANT COMMISSIONER, PURSUANT TO THE FOURTH  
SENTENCE OF 42 U.S.C. § 405(g), FOR FURTHER ADMINISTRATIVE  
PROCEEDINGS CONSISTENT WITH REPORT AND  
RECOMMENDATIONS; TERMINATION ENTRY

---

The Court has reviewed the Report and Recommendations of Chief Magistrate Judge Sharon L. Ovington, Doc. #13, to whom this case was referred pursuant to 28 U.S.C. § 636. Further, the Court notes that no objections have been filed thereto, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Based upon the reasoning and citations of authority set forth in the Report and Recommendations, as well as upon a thorough *de novo* review of the entirety of the Court's file and the applicable law, this Court hereby ADOPTS said Report and Recommendations in their entirety.

Accordingly, judgment is to be entered in favor of Plaintiff David L. Orleck ("Plaintiff") and against Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), reversing the Commissioner's finding that Plaintiff was not disabled, and therefore, not entitled to benefits. The captioned cause is remanded to the Commissioner, under Sentence Four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the Report and Recommendations.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 16, 2016

  
\_\_\_\_\_  
WALTER H. RICE  
UNITED STATES DISTRICT JUDGE